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EXAMINER				
MENDOZA, JUNIOR O				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,952

Applicant(s)

LE FEVRE ET AL.

Examiner

JUNIOR O. MENDOZA

Art Unit

2423

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 2, 8 and 16** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The applicant amended claims 2, 8 and 16 to recite that "the user input includes a user pressing **a single** key of a remote control device". However, the examiner respectfully points out that there is no support from the specification which may explicitly hold such feature.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1 – 4, 6 – 10, 12 – 14 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al (Patent No US 6,442,328) in view of Gatto et al. (Pub No US 2003/0037335). Hereinafter, referenced as Elliott and Geer, respectively.

Regarding **claim 1**, Elliott discloses a method for operating a television apparatus connected to a digital serial bus to enable a recording function (abstract), the method comprising the steps of:

receiving a user input selecting a designated video input (Col. 4 lines 1-4 and 40-51, col. 5 lines 22-27 also exhibited on figures 1 and 4);

in response to the user input, establishing a peer-to-peer connection between the designated video input source device and a digital recording device connected to the digital serial bus (Col. 6 lines 6-21 figures 1 and 4);

and further in response to the user input, causing the digital recording device to record digital content provided from the designated video input source device, wherein data may be directly transferred between the designated video input source device and

the digital recording device (Col. 2 lines 27-30, col. 3 lines 39-58; recorder continuously records the real-time video signal that the user has tuned to).

However, it is noted that Elliott fails to explicitly disclose selecting a designated video input source device connected to the digital serial bus.

Nevertheless, in a similar field of endeavor Gatto discloses selecting a designated video input source device connected to the digital serial bus (Paragraphs [0013] [0014] also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Elliott by specifically providing the elements mentioned above, as taught by Gatto, for the purpose of specifically applying a known technique of selecting a designated video input source device to improve the recording functions in a device for a predictable result of recording the content of the selected input, which allows users to virtually record the content from any device which has the capabilities to connect to a television.

Regarding **claim 2**, Elliott and Gatto disclose the method of claim 1; moreover, Elliott discloses that the user input includes a user pressing a single key of a remote control device (Col. 4 lines 40-51).

Regarding **claim 3**, Elliott and Gatto disclose the method of claim 2; moreover, Elliott discloses that the digital serial bus comprises an IEEE 1394 compliant bus (Col. 6 lines 17-24 also exhibited on fig 1).

Regarding **claim 4**, Elliott and Gatto disclose the method of claim 2; moreover, Elliott discloses causing the digital recording device to continuously record video content provided from a tuning device of the television apparatus in response to user selection of the tuning device as the designated video input source device (Col. 2 lines 27-30, col. 3 lines 39-58; recorder continuously records the real-time video signal that the user has tuned to).

Regarding **claim 6**, Elliott and Gatto disclose the method of claim 2; moreover, Elliott discloses the step of displaying video content stored on the digital recording device on a display device associated with the television apparatus in response to user selection of the digital recording device as the designated video source device (Col. 4 lines 40-51, col. 9 lines 15-45 also exhibited on fig 4).

Regarding **claim 7**, Elliott discloses a television apparatus comprising: first means for receiving a user input selecting a designated video (Col. 4 lines 1-4 and 40-51, col. 5 lines 22-27 also exhibited on figures 1 and 4);

second means for establishing, in response to the user input, a peer-to-peer connection between the designated video input source device and a digital recording device connected to the digital serial bus (Col. 6 lines 6-21 figures 1 and 4);

and wherein the second means further causes the digital recording device to continuously record digital content provided from the designated video input source

device in response to the user input, and data may be directly transferred between the designated video input source device and the digital recording device (Col. 2 lines 27-30, col. 3 lines 39-58; recorder continuously records the real-time video signal that the user has tuned to).

However, it is noted that Elliott fails to explicitly disclose selecting a designated video input source device connected to the digital serial bus.

Nevertheless, in a similar field of endeavor Gatto discloses selecting a designated video input source device connected to the digital serial bus (Paragraphs [0013] [0014] also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Elliott by specifically providing the elements mentioned above, as taught by Gatto, for the purpose of specifically applying a known technique of selecting a designated video input source device to improve the recording functions in a device for a predictable result of recording the content of the selected input, which allows users to virtually record the content from any device which has the capabilities to connect to a television.

Regarding **claims 8, 9, 10 and 12**, Elliott and Gatto disclose all the limitations of claims 8, 9, 10 and 12; therefore, claims 8, 9, 10 and 12 are rejected for the same reasons stated in claims 2, 3, 4 and 6, respectively.

Regarding **claim 13**, Elliott discloses a method for operating a television apparatus connected to a digital serial bus to enable a recording function (abstract), the method comprising the steps of:

receiving a user input selecting a designated digital video (Col. 4 lines 1-4 and 40-51, col. 5 lines 22-27 also exhibited on figures 1 and 4);

establishing a peer-to-peer connection between the designated digital video input source device and a digital recording device connected to the digital serial bus in response to the user input (Col. 6 lines 6-21 figures 1 and 4);

displaying digital content provided from the designated digital video input source device on a display device associated with the television apparatus in response to the user input (Col. 2 lines 5-30 also exhibited on fig 1);

and causing the digital recording device to continuously record the digital content provided from the designated digital video input source device in response to the user input, wherein data may be directly transferred between the designated digital video input source device and the digital recording device (Col. 2 lines 27-30, col. 3 lines 39-58; recorder continuously records the real-time video signal that the user has tuned to).

However, it is noted that Elliott fails to explicitly disclose selecting a designated video input source device connected to the digital serial bus.

Nevertheless, in a similar field of endeavor Gatto discloses selecting a designated video input source device connected to the digital serial bus (Paragraphs [0013] [0014] also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Elliott by specifically providing the elements mentioned above, as taught by Gatto, for the purpose of specifically applying a known technique of selecting a designated video input source device to improve the recording functions in a device for a predictable result of recording the content of the selected input, which allows users to virtually record the content from any device which has the capabilities to connect to a television.

Regarding **claims 14 and 16**, Elliott and Gatto disclose all the limitations of claims 14 and 16; therefore, claims 14 and 16 are rejected for the same reasons stated in claims 4 and 2, respectively.

6. **Claims 5, 11 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in view of Gatto further in view of Geer et al. (Patent No US 6,788,882). Hereinafter, referenced as Geer.

Regarding **claim 5**, Elliott and Gatto disclose the method of claim 4; moreover, Elliott discloses causing the digital recording device to continuously record video content provided from a tuning device of the television apparatus in response to user selection of the tuning device as the designated video input source device (Col. 2 lines

27-30, col. 3 lines 39-58; recorder continuously records the real-time video signal that the user has tuned to).

However, it is noted that Elliott and Gatto fail to explicitly disclose recording into a predefined buffer size of a storage medium of the digital recording device.

Nevertheless, in a similar field of endeavor Geer discloses recording into a predefined buffer size of a storage medium of the digital recording device. (Col 12 lines 55-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Elliott and Gatto by specifically providing the elements mentioned above, as taught by Geer, for the purpose of recording as much content as possible for the viewer, providing customer satisfaction since the user can record as much content as they want by deleting old content; moreover, the users would be capable of performing VCR-like functions.

Regarding **claims 11 and 15**, Elliott, Gatto and Geer disclose all the limitations of claims 11 and 15; therefore, claims 11 and 15 are rejected for the same reasons stated in claim 5.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JUNIOR O. MENDOZA** whose telephone number is (571)270-3573. The examiner can normally be reached on **Monday - Friday 9am - 5pm EST**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
Art Unit 2423

/J. O. M./
November 26, 2008

/Andrew Y Koenig/
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